



U.S. Department of Justice

*United States Attorney  
Southern District of New York*

*86 Chambers Street  
New York, New York 10007*

February 18, 2025

By ECF

Hon. Naomi Reice Buchwald  
United States District Court Judge  
United States Courthouse  
500 Pearl St.  
New York, NY 10007

**Re: *Gregory Rivera v. United States of America*, 24-cv-00463 (NRB)**

Dear Judge Buchwald:

This Office represents the United States of America (the “Government”) in the above-referenced action brought by plaintiff Gregory Rivera (“Plaintiff”) pursuant to the Federal Tort Claims Act (“FTCA”). I write respectfully with Plaintiff to provide the Court with a joint status update pursuant to the Discovery Plan and Scheduling Order in this matter, ECF No. 17 (directing the parties to file a joint status report every 60 days). We also write to respectfully request a referral to a magistrate judge for a settlement conference, and to request a temporary stay of the remaining discovery deadlines outlined in the Revised Discovery Plan and Scheduling Order, ECF No. 25.

Since the parties’ last status report dated December 19, 2024, ECF No. 24, the parties have continued to work diligently and cooperatively on fact discovery. As detailed in the parties’ last status report, Plaintiff has produced approximately 600 pages of documents, 20 videos, and numerous photographs to the Government. The Government has now produced approximately 1800 pages of documents and nearly 50 audio files to Plaintiff. The Government has also provided Plaintiff with a privilege log. The following six individuals have been deposed in connection with this case: Plaintiff, Deputy U.S. Marshal Maxime Vales, Deputy U.S. Marshal Brian O’Sullivan, Deputy U.S. Marshal Nicholas Binetti, Deputy U.S. Marshal Keith Burgos, and Deputy U.S. Marshal Marlon Medrano.

The parties have started to discuss settlement and believe that there is a greater likelihood of reaching an agreement with the Court’s involvement. We therefore request a referral to a magistrate judge for a settlement conference. The parties also believe that staying the remaining discovery deadlines (the deadline to complete the remaining depositions and the deadline to complete expert discovery<sup>1</sup>) would give the parties the opportunity to resolve this matter without incurring additional costs. Accordingly, the parties respectfully request a temporary stay of the remaining discovery deadlines until one week after the settlement conference, at which point the

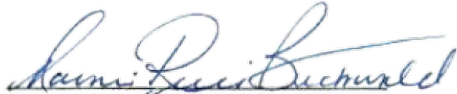
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<sup>1</sup> If the parties do not reach an agreement on settlement, Plaintiff’s counsel is likely to depose Special Deputy U.S. Marshal Christian Martinez and Special Deputy U.S. Marshal Daniel Silverio; the Government is likely to depose Plaintiff’s mother and girlfriend. The parties also anticipate obtaining medical experts.

parties will provide an update to the Court on the status of settlement discussions and/or request additional time to complete discovery.

The parties thank the Court for its consideration of this letter.

Application granted.  
**So ordered.**



NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

Dated: February 19, 2025 BY:  
New York, New York

Respectfully,

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Acting United States Attorney

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